



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,513	04/19/2004	Christopher T. Szeto	12729/88 (Y00302US00)	4296
56/020 7590 03/17/2008 BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER				
ULRICH, NICHOLAS S				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,513

Applicant(s)

SZETO, CHRISTOPHER T.

Examiner

NICHOLAS S. ULRICH

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are pending
2. Claims 1 and 11 are amended.
3. Claims 20 and 21 are added.
4. Claims 1-21 are rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5-12, and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (US 6981223 B2) and Southgate (US 5487143).

In regard to **claims 1 and 2**, Becker discloses a method for displaying multiple content pages in an instant messenger application, the method comprising:

displaying a friends list page in an instant messenger window, wherein the friends list page displays a set of users that send and receive a plurality of instant messages within an instant messaging community (*Fig 12 element 1202 and Column 19 lines 33-35*);

displaying a content of a first interactive content tab in the instant messenger window at the same time that at least a portion of the friends list page is also displayed in the instant messenger window (*Fig 12 element 1210 and Column 19 lines 35-36*);

and preventing a user in the set of users from hiding all of the friends list page from view in the instant messenger window (*Fig 12 and Column 19 lines 33-34*)

While Becker teaches a multiple window user interface where one window contains interactive content tabs and another window contains an always visible friends list page, they fail to show the content has a minimum height and maximum height and the size of the content can be changed within the minimum and maximum height and the maintaining a pre-programmed minimum height for the friends list page as recited in the claims. However, Southgate teaches methods of sizing multiple panes in a user interface. Southgate further teaches maintaining minimum and maximum heights for windows associated with a user interface (*Column 7 lines 31-65*). It would have been obvious to one of ordinary skill in the art, having the teachings of Becker and Southgate before him at the time the invention was made, to modify the multiple window user interface taught by Becker to include the pre-programmed minimum height for windows of Southgate, in order to obtain a multiple window user interface that maintains minimum and maximum heights for resizing windows. It would have been advantageous for one to utilize such a combination so that the window will not shrink beyond being able to display recognizable data to the user, as taught by Southgate (*Column 7 lines 52-55*). Also so that space is not wasted enlarging a window past its maximum height, as taught by Southgate (*Column 7 lines 64-65*).

In regard to **claim 5**, Becker discloses wherein displaying the content of the first interactive content tab further comprises displaying the content of the first interactive content tab when the user in the set of users selects a first tab in a tab selector region of the instant messenger window (*Column 13 lines 55-57*).

In regard to **claim 6**, Becker discloses displaying the content of a second interactive content tab in the instant messenger window when the user in the set of users selects a second tab in the tab selector region, the second interactive content tab being displayed at the same time that at least a portion of the friends list is also displayed in the instant messenger window (*Column 13 lines 54-58*).

In regard to **claim 7**, Becker discloses hiding the content of the first interactive content tab when the content of the second interactive content tab is displayed in the instant messenger window (*Column 13 line 66 – Column 14 line 2*).

In regard to **claim 8**, Becker discloses wherein the content of the first interactive content tab overlaps the content of the second interactive content tab in the instant messenger window (*Fig 12 elements 1210 and 1212*).

In regard to **claim 9**, Becker discloses minimizing the first interactive content tab in response to a user request so that the content is not visible in the instant messenger window (*Column 13 line 66 – Column 14 line 2*).

In regard to **claim 10**, Becker discloses sending a message from a first instant messenger user to a second instant messenger user in the friends list in response to the first instant messenger user selecting the content in the first interactive content tab, wherein the message relates to the selected content (*Column 13 lines 29-41*).

In regard to **claims 11, 12, and 15-19**, computer program product claims 11, 12, and 15-19 correspond generally to method claims 1-2 and 6-10, respectively, and recite similar features in computer program form, and therefore are rejected under the same rationale.

In regard to **claims 20 and 21**, while Becker teaches a multiple window user interface, they fail to show the one window changes inversely with another window as recited in the claims. However, Southgate teaches methods of sizing multiple panes in a user interface. Southgate further teaches the size of one window changes inversely with another window, where when one window becomes larger the other window becomes smaller (*Column 13 lines 62-65 and Column 15 lines 1-5*) It would have been obvious to one of ordinary skill in the art, having the teachings of Becker and Southgate before him at the time the invention was made, to modify the multiple window user

interface taught by Becker to include the inverse sizing of Southgate, in order to obtain a multiple window user interface where when one windows size is changed another windows size is inversely changed. It would have been advantageous for one to utilize such a combination as providing a user with flexibility in managing windows on the screen would have been obtained, as suggested by Southgate (*Column 13 lines 65-67*).

6. Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (US 6981223 B2), Southgate (US 5487143), and Werndorfer et al. (US 7275215 B2) hereinafter referred to as Werndorfer2.

In regard to **claims 3, 4, 13, and 14**, while Becker teaches interactive content tabs, they fail to show the retrieving content of the first interactive content tab from a web page and automatically refreshing the content by accessing a data from the web page as recited in the claims. Werndorfer2 teaches a instant messaging interface similar to that of Becker. In addition, Werndorfer2 further teaches retrieving content of an interactive tab from a web page and automatically refreshing the content (*Column 6 line 62 – Column 7 line 20*). It would have been obvious to one of ordinary skill in the art, having the teachings of Becker and Werndorfer2 before him at the time the invention was made, to modify the interactive content tabs taught by Becker to include the web information of Werndorfer. It would have been advantageous for one to utilize such a combination so as to provide the primary IM client with additional features, as suggested by Werndorfer2 (*Column 6 lines 56-58*).

Response to Arguments

7. Applicant's arguments with respect to all pending have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments concerning the Werndorfer reference, Trillian Instant Messaging Program Version 0.73. Applicant argues that the examiner is relying on "personal knowledge" and must provide an affidavit to support of the functionality of the reference and the priority date. The examiner still disagrees. As provided in the screenshots, see figure 3, Trillian version 0.73 has a copyright date of 2000-2002 by Cerulean Studios. The official date of this version can also be seen in the screen shot, June 7, 2002. This alone provides the necessary information to prove that Trillian version 0.73 qualifies as prior art under 35 USC 102.

Further, examiner is not relying on "personal knowledge" because the software is what it is. The screenshots are only evidence of what the software does in terms of functionality. It is the software that produces functionality. The screenshots demonstrate the functionality, not the examiners personal knowledge of the program. And it is the program that produces the functionality, not the screenshots or the examiners personal knowledge. Although this reference is no longer used in the present rejection of the pending claims, it still is qualified as prior art and does not require an affidavit from the examiner to support its functionality.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS S. ULRICH whose telephone number is (571)270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich
3/5/2008
2173

/Kieu D Vu/
Primary Examiner, Art Unit 2173